

PLANNING AND ZONING DEPARTMENT
QUARTERLY REPORT: JANUARY 1, 2006 – MARCH 31, 2006

This has been one of the most active quarters in the history of the Planning and Zoning Department. The Planning and Zoning Commission decided a rezoning application which will likely benefit the Darien Library, and held a public hearing on the new Tokeneke Elementary School. The ZBA had their busiest quarter in the past twenty-six years, and the EPC met on seven separate nights. The implementation of the new CityView software package took substantial staff time for training, database conversion and entry, and implementation.

The Planning and Zoning Commission met ten times this quarter, including four times in February, and three times each in January and March. The public hearings on the Nearwater Lane housing development included five full nights of public hearings starting on November 1, 2005 and continued to November 29, 2005 and December 6, 2005 and December 14, 2005 and January 10, 2006. All meetings were held in the Town Hall Auditorium to accommodate the crowds. In all, over eighteen hours of testimony were received. The application was eventually withdrawn.

Permits by type this quarter:

Amendment to Zoning Regulations: 1 granted

Amendment to Zoning Map: 1 denied; 1 withdrawn

Business Site Plan: 2 approved; 1 amendment approved

Coastal Site Plan Review: 3 granted; 2 withdrawn; 1 amendment approved

Flood Damage Prevention: 3 granted; 2 withdrawn; 1 amendment approved

Land Filling/Excavation: 9 approved; 2 withdrawn; 1 amendment approved

Special Permit: 3 granted

Mandatory Referrals: 2 reports issued

Total Number of Projects*: 25 applications (including referrals) and 2 amendments

*Total number of projects does not equal number of permits, because some applications include multiple permits.

In February, the Commission approved Zoning Regulation amendments to establish a Municipal Use floating zone. This was in response to a request from the Darien Library. It is expected that the Library will submit their site plan and Special Permit applications to the Planning and Zoning Commission sometime in the next few months. Staff has filed the modified zoning regulations with the Town Clerk, updated the Zoning Regulations books to be sold (and for Commission members) and posted the new information to the Town web site. The Commission also approved additions and alterations to the Noroton Fire Department building, and held a public hearing on the new Tokeneke elementary school. A decision will likely be made in early April.

Over the next two quarters, the proposed development and redevelopment activity will continue—especially relative to non-residential uses. Decisions will be made on a new 4,750 square foot building at 70 Tokeneke Road (across from exit 12) and a new use for 205 Boston Post Road across from Driftwood Diner. Public hearings will be held on the redevelopment of the block between Day Street and the railroad tracks; a proposal for the vacant lot across from the Cookhouse, establishment of the new Darien Library; and redevelopment of the area downtown between the Exxon station and First County Bank.

Progress continues to be made on the 2006 Town Plan of Conservation & Development. A public hearing was held on January 24 and continued to February 14, with excellent feedback and interest received. Staff worked with Commission members on collating these comments, and prepared a

memo summarizing them. The Commission reviewed this memo and discussed this feedback at its March 21st meeting. Appropriate changes were incorporated, and this “final” draft was forwarded to the RTM on March 30, and has been posted to the Town web site. The Commission fully expects to formally adopt the Plan sometime in May or June 2006.

The Zoning Board of Appeals (ZBA) met five times this quarter, two times each in January and March, and once in February. In January, 13 applications were processed, which is the second highest January total in the past 26+ years. The 28 applications processed for the quarter are tied for the highest total in the past 26+ years. Of those 28 applications, 18 were granted, nine denied, and one granted in part/denied in part. The ZBA expects this very active pace to continue for at least the next two quarters.

The Environmental Protection Commission (EPC) met seven times this period—three times in January, twice in February and twice in March. This is the most meetings they have had in any one quarter since 1991—14+ years. The EPC acted upon twenty applications this quarter—three in January; nine in February, and eight in March. Of those applications: eighteen were granted; one was denied; and one was withdrawn. In addition, one determination regarding jurisdiction was made with regard to the Nearwater Lane project. On April 5, the Commission will hold a public hearing on an update of the Town Inland Wetlands and Watercourses Map, with a decision to be made by the EPC the same night or soon thereafter. That draft map is now on the Town web site for public review.

The Architectural Review Board (ARB) met three times this quarter—once each month. They reviewed a number of applications, including a number of proposed new non-residential buildings including Tokeneke School, a new bank at 151 Boston Post Road, and new buildings at 70 Tokeneke Road and 205 Boston Post Road. Signage for a number of new and relocating businesses including: Little Thai Kitchen, Ching’s Kitchen, TD Banknorth, and Compleat Angler. In all, ten applications were approved.

A total of 143 Zoning Permits were processed this quarter. Thirty-three permits were acted upon in January, 51 in February, and 59 in March. Fourteen permits alone were reviewed and approved on February 23. A total of ten new single-family residences were approved; six new swimming pools, and five new sign permits.

Litigation

As noted in the last quarterly report, staff has been working closely with Town Counsel on resolving a number of outstanding legal matters. Settling cases before they get to court saves the Town time and more importantly, significant legal expenses. This quarter, the following cases were officially settled and/or withdrawn:

McFadden v. Darien Zoning Board of Appeals

Collins v. Darien Planning & Zoning Commission

Eight cases were settled and/or withdrawn last quarter. We are very optimistic that we will proceed with settlement, dismissal and/or withdrawal of an additional four or five more cases over the next two quarters. In late March, a verdict came in on the case of *Cornacchia v. Darien Environmental Protection Commission*. The judge ruled in favor of the EPC.

CityView software implementation

The Planning and Zoning Department and a number of other Departments within Town Hall went “live” with the new CityView software on March 30. A total of nine days of training were held in early February on the new CityView software. All staff members within the Building Department and Planning and Zoning Department attended at least two full days of training. The amount of time and effort to implement this new software system has been considerable, and will result in greater efficiencies for the Town. We look forward to having a demonstration of this software sometime in the next two quarters, so the Board of Selectmen and others can see first-hand the results of our hard work.

Substantial time was spent on training, database entry and conversion, establishment of various lookup tables, form modifications, and reports. It is estimated that over 200 hours of staff time was spent implementing this project. On March 13th, formal permissions and rights were created for the various CityView users throughout Town Hall. Work will continue throughout the next two quarters on implementation of this very significant project.

Personnel

Richard Jacobson started as our new Environmental Protection Officer on January 19th. This will allow the Department to operate at “full-strength” for the first time since June 17, 2005. We have found that his addition has provided Town residents with a contact person on inland wetland issues, and an increase in amount of inspection time.